

# HOUSE . . . . . No. 3419

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By Mrs. Parente of Milford, petition of Marie J. Parente relative to the establishment of a mental health trust. Bonding, Capital Expenditures and State Assets.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand and Five.

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AN ACT RELATIVE TO THE ESTABLISHMENT OF A MENTAL HEALTH TRUST.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1     SECTION 1. Notwithstanding any law to the contrary, all lands  
2     owned by the commonwealth through the department of mental  
3     health and not being actively used for mental health purposes are  
4     hereby placed in a public trust, such income and proceeds that  
5     may be derived therefrom shall be used to defray the necessary  
6     expenses of the mental health programs of the commonwealth.

1     SECTION 2. Chapter 10 of the General Laws is hereby  
2     amended by inserting after section 35G the following section:—  
3     Section 35H. There shall be established and set up on the books  
4     of the commonwealth a separate fund to be known as the Mental  
5     Health Trust Fund to improve the quality of mental care within the  
6     commonwealth. Said fund shall consist of all the monies appropri-  
7     ated therefor in each fiscal year as well as the income and pro-  
8     ceeds therefrom of the land transferred to the public trust as  
9     provided in section one of this act. Notwithstanding the provisions  
10    of section 9B of chapter 29, all monies appropriated to said fund  
11    shall be made available for distribution upon appropriation.

1     SECTION 3. There is hereby established a board of trustees to  
2     manage and expend the assets of the Mental Health Trust estab-  
3     lished by section 35H of chapter 10 of the General Laws. Said  
4     board shall consist of fifteen members appointed by the governor,

5 one shall be the secretary of human services or his designee, at  
6 least one representative of the alliance for the mentally ill shall be  
7 appointed from each of the department of mental health regions.  
8 The remaining trustees shall be full time professionally employed  
9 in the mental health field.

10 Each trustee shall serve three years, and may be removed by the  
11 governor for cause, however, the initial appointments shall be five  
12 for one year, five for two years, and five for three years. The gov-  
13 ernor shall fill all vacancies for the remainder of the unex-pired  
14 term.

15 The board, by a majority of its membership, shall annually elect  
16 a chair and other officers it considers necessary from among its  
17 membership.

18 The board shall have a paid staff provided by the department of  
19 mental health, including, but not limited to, an executive director  
20 who shall be selected by the board from candidates provided by  
21 the department. The executive director may hire additional  
22 employees subject to board approval. The executive director and  
23 the staff of the board shall be directly responsible to the board in  
24 the performance of their duties.

1 SECTION 4. The board, on approval of a majority of its mem-  
2 bership and consistent with state law, shall adopt and amend  
3 bylaws governing its composition, proceedings, and other activi-  
4 ties consistent with state law and including, but not limited to,  
5 provisions concerning a quorum to transact board business and  
6 other aspects of procedure, frequency and location of meetings,  
7 and establishment, functions, and membership of committees.

1 SECTION 5. The board shall:—

2 (1) measure the extent of the mental health need and, as neces-  
3 sary, conduct independent studies, evaluate the statewide mental  
4 health information system, and review the current mental health  
5 program of the state;

6 (2) provide a public forum for discussion of issues regarding  
7 current and potential services to persons served by the mental  
8 health program of the state;

9 (3) determine the needs, including those currently unmet, of the  
10 persons to be served by the mental health program of the state;

11 (4) review reports from the department of mental health  
12 regarding the valuation of the mental health land trust and the  
13 status of mental health trust land, and from the treasurer regarding  
14 allocations to the mental health account, and from other depart-  
15 ments regarding the current and projected revenue for the support  
16 of the mental health program of the state;

17 (5) subject to disclosure restrictions imposed by state or federal  
18 confidentiality or privacy laws, have access to information in the  
19 possession of state agencies;

20 (6) in conjunction with the department of mental health, pre-  
21 pare and annually update a long-term comprehensive state mental  
22 health plan, to include the projected need and the services, facili-  
23 ties, and resources for the mental health program of the state to  
24 meet that need;

25 (7) in conjunction with the department of mental health,  
26 develop, prepare, adopt, and periodically review and revise as  
27 necessary an annual state implementation plan to meet the needs  
28 of persons served by the mental health program of the state;

29 (8) in conjunction with the department of mental health, and  
30 before developing the annual state implementation plan, evaluate  
31 the effectiveness of the prior year's implementation plan and eval-  
32 uate program performance and recommend improvements, set pri-  
33 orities, and establish criteria to utilize in funding allocations;

34 (9) report at least annually to the legislature, governor, and sec-  
35 retary of human services, and meet with appropriate legislative  
36 committees, concerning the board's activities, including its evalua-  
37 tion of the effectiveness of the prior year's implementation plan,  
38 and its recommendations to meet the necessary operating and cap-  
39 ital expenses of the mental health program of the state;

40 (10) serve as an advocate before the executive and legislative  
41 branches of government and the public on behalf of those served  
42 by the mental health program of the state;

43 (11) discourage duplication of services and promote efficient  
44 and coordinated use of federal, state, and private resources in the  
45 provision of mental health services; and

46 (12) review applicable statutes, regulations, and policies and  
47 recommend appropriate changes.